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**Research and Special Programs
Administration**

**49 CFR Parts 107 and 171
Hazardous Materials Transportation
Registration and Fee Assessment
Program; Proposed Rule**

HM-208

DEPARTMENT OF TRANSPORTATION**Research and Special Programs Administration****49 CFR Parts 107 and 171**

[Docket No. HM-208, Notice No. 91-4]

RIN 2137-AB43

Hazardous Materials Transportation Registration and Fee Assessment Program

AGENCY: Research and Special Programs Administration (RSPA), Department of Transportation (DOT).

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: RSPA proposes to establish a national registration program for certain shippers and carriers of hazardous materials and certain hazardous materials package manufacturers. Each shipper, carrier or package manufacturer, whether foreign or domestic, in intrastate or interstate commerce, which engages in an activity subject to the registration program would be required to annually file a registration statement with RSPA. RSPA also proposes to assess and collect from all persons who are required to be registered an annual fee of not less than \$250 nor more than \$5,000 for purposes of funding a nationwide emergency response training and planning grant program. Persons subject to the registration program also would be assessed an additional fee to cover the cost to DOT of processing each registration statement and administering the program.

RSPA proposes an initial deadline of May 31, 1992, for filing the registration statement and the payment of registration and processing fees. After June 30, 1992, no person required to file a registration statement would be permitted to transport or cause to be transported or shipped hazardous materials or manufacture a package for use in hazardous materials transportation, unless such person has on file a registration statement obtained in accordance with the requirements and procedures proposed herein.

The intended effect of this proposed regulation would be the establishment of a national registration program and the collection of annual fees to fund the national emergency response training and planning grant program. RSPA invites interested persons to comment on the proposed policies and procedures to implement the registration program.

DATES: Comments must be received by December 9, 1991.

Public Hearings. Public hearings will be held on (1) October 21, 1991, from 9:30 a.m. to 5 p.m. in Burlingame, California, and on (2) October 31, 1991, from 9:30 a.m. to 5 p.m. in Des Plaines, Illinois. Hearings may close earlier than 5 p.m. upon presentation of oral comments from all persons desiring to comment.

ADDRESSES: Comments Address comments to Dockets Unit (DHM-30), Hazardous Materials Safety, RSPA, U.S. Department of Transportation, Washington, DC 20590-0001. Comments should identify the docket and notice number and be submitted, when possible, in five copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed, stamped postcard. The Dockets Unit is located in room 8421 of the Nassif Building, 400 Seventh Street SW., Washington, DC 20590-0001. Office hours are 8:30 a.m. to 5 p.m., Monday through Friday, except on public holidays when the office is closed. Copies of the "Hazardous Materials Transportation Uniform Safety Act of 1990" (HMTUSA), Public Law 101-615, may be obtained from the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9371, (202) 275-2091.

Public Hearings. The public hearings will be held in the following locations: (1) October 21, 1991, 9:30 a.m. to 5 p.m., Crown Sterling Suites, 150 Anza Blvd., Burlingame, CA 94010 (415) 342-4600; (2) October 31, 1991, 9:30 a.m. to 5 p.m., FAA Regional Office Building, room 166/170, 2300 E. Devon Avenue, Des Plaines, IL 60018.

FOR FURTHER INFORMATION CONTACT: Joseph S. Nalevanko, Office of Hazardous Materials Planning and Analysis, (202) 368-4109, or Beth Romo, Office of Hazardous Materials Standards, (202) 368-4488, Hazardous Materials Safety, 400 Seventh Street SW., Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION: On November 16, 1990, the President signed the Hazardous Materials Transportation Uniform Safety Act of 1990 (HMTUSA), Public Law 101-615, which amended the Hazardous Materials Transportation Act (HMTA), 49 app. U.S.C. 1801 *et seq.* The revised section 106 of the HMTA, in part, requires certain carriers and shippers engaged in the transportation of hazardous materials to register with the Secretary of Transportation. Because the Secretary's responsibility in this matter has been delegated to RSPA, all references in this Notice are to RSPA. A description of the major HMTA provisions with respect to the

establishment of a national registration program follows.

I. Major Registration Provisions of the HMTA**A. Mandatory Filings of Registration Statements**

Section 106(c)(1) of the HMTA requires that each person who carries out one or more of the following activities must file a registration statement with RSPA:

(1) Transports or causes to be transported or shipped in commerce highway-route controlled quantities of radioactive materials,

(2) Transports or causes to be transported or shipped in commerce more than 25 kilograms (55 pounds) of Division 1.1, 1.2, or 1.3 (Class A or Class B explosives) materials in a motor vehicle, rail car, or transport container;

(3) Transports or causes to be transported or shipped in commerce more than one liter (1.1 quart) per package of a hazardous material which has been designated by RSPA as extremely toxic by inhalation,

(4) Transports or causes to be transported or shipped in commerce a hazardous material in a bulk package, container, or tank if the package, container, or tank has a capacity equal to or greater than 13,248 liters (3,500 gallons) or more than 13.24 cubic meters (468 cubic feet); or

(5) Transports or causes to be transported or shipped in commerce a shipment of 2170 kilograms (5,000 pounds) or more of a class of a hazardous material for which placarding of a vehicle, rail car, or freight container is required.

Section 103 of the HMTA, the term "person" includes an individual, firm, copartnership, corporation, company, association, joint-stock association, including any trustee, receiver, assignee, or similar representative thereof, or government, Indian tribe, or agency or instrumentality of any government or Indian tribe when it offers hazardous materials for transportation in commerce or transports hazardous materials in furtherance of a commercial enterprise. However, sections 106(c)(14) and (c)(15) of the HMTA exempt from the registration requirement agencies of the Federal Government, agencies of States, agencies of political subdivisions of States, employees of such agencies with respect to their official duties, and employees of a "hazmat employer."

B. Discretionary Authority

Under section 106(c)(3) of the HMTA, RSPA has discretionary authority to

require other persons to register. These include persons who transport or cause to be transported or shipped in commerce hazardous materials and who are not under the statutory obligation to register as described above, and persons who manufacture, fabricate, mark, maintain, recondition, repair or test packages or containers which are represented, marked, certified, or sold by such persons for use in the transportation in commerce of hazardous materials designated by RSPA.

C. Filing Deadlines

Under section 106(c)(5) of the HMTA, initial registration statements must be filed with RSPA by March 31, 1992. However, this section also allows RSPA to extend that deadline to September 30, 1992. Registration statements must be renewed periodically in accordance with regulations issued by RSPA, but no less frequently than every five years and no more frequently than annually.

D. Contents of Registration Statement

Under section 106(c)(7), the registration statement, at a minimum, must include the following information:

- (1) The registrant's name and principal place of business;
- (2) A description of each activity the registrant carries out for which filing of a registration statement is required, and
- (3) The State or States in which such person carries out each such activity.

Under section 106(c)(10), this information, and any other information not otherwise protected by law from public disclosure, shall be made available by RSPA under the FOIA procedures for inspection by any person for a reasonable fee, to be established by RSPA.

Under section 106(c)(8), a person who carries out more than one activity for which filing of a registration statement is required needs to file only one registration statement in order to be properly registered with the Department.

E. Fees To Be Assessed For Funding National Emergency Response Training and Planning Grant Program

Under section 117A(h)(3) of the HMTA, the amount of the annual fee which may be collected from a person required to register with RSPA may not be less than \$250 and may not exceed \$5,000. Within the range of \$250 to \$5,000, section 117A(h)(2) of the HMTA allows RSPA to base the amount of the registration fee on one or more of the following factors:

- (1) The gross revenues from the transportation of hazardous materials,

- (2) The types of hazardous materials transported or caused to be transported;

- (3) The quantities of hazardous materials transported or caused to be transported;

- (4) The number of shipments of hazardous materials;

- (5) The number of activities which a person carries out for which a filing of a registration statement is required;

- (6) The threat to property, persons, and the environment from an accident or incident involving the hazardous materials transported or caused to be transported;

- (7) The percentage of gross revenues which are derived from the transport of hazardous materials;

- (8) The amount of funds which are made available to carry out the emergency response planning and training grant program; and

- (9) Such other factors as RSPA considers appropriate.

F. Fees to Be Assessed For Processing the Registration Statement

Under section 106(c)(11), RSPA may establish, assess, and collect fees from persons required to file registration statements to cover the costs of the Department of Transportation in processing those registration statements.

G. Proof of Registration and Payment of Fees

Under section 106(c)(12), RSPA may issue regulations requiring persons who are subject to the registration program to maintain proof of the filing of their registration statements and the payment of fees assessed under the registration program.

H. Relationship to Permitting Requirement

Section 106(d) of the HMTA also provides that a motor carrier may transport (or cause to be transported) by motor vehicle in commerce certain hazardous materials only if the motor carrier holds a safety permit issued by the Secretary. The safety permit requirement applies to the transportation by a motor carrier of Division 1.1, 1.2, or 1.3 (Class A or B explosives) materials, liquefied natural gas, materials designated by the Secretary as extremely toxic by inhalation, or highway route-controlled quantities of radioactive materials. Therefore, some of the motor carriers who would be required to register with RSPA, under the rule being proposed today, may also be required to obtain a safety permit. The Federal Highway Administration (FHWA) has been delegated the authority to implement the safety permitting program.

II. Proposed Registration Procedures and Policies

RSPA is proposing procedures and policies for establishing a statutorily-required registration program—together with two major alternatives designed to implement the fee collection process in an efficient, effective and equitable manner.

In order to streamline and simplify the registration process as much as possible, and to encourage public participation in the development of effective policies and procedures, comments are requested on the following major features of the proposed registration requirements and fee collection procedures.

A. Persons Initially To Be Included in the Registration Program

The proposed registration and fee collection program would include those persons under a statutory obligation to file a registration statement. In addition, under RSPA's explicit discretionary authority under section 106(c)(3) of the HMTA, the program would include all persons who are engaged in the manufacturing, fabricating, marking, retesting, or reconditioning of United Nations (UN) or Department of Transportation (DOT) specification or DOT exemption packages, except small business concerns, as described in 13 CFR 121.601, that manufacture, fabricate, or mark only boxes or bags, or both.

Persons under statutory obligation to file registration statements include those persons whose hazardous materials transportation activities have been determined by Congress to present a heightened risk to the public and are of greater concern to emergency response personnel, either because of the volume or the nature of the hazardous materials being transported. These activities apply to all modes of transportation (i.e., highway, air, water, and rail) and include the transportation of highway route-controlled quantities of radioactive materials, explosives, hazardous materials extremely toxic by inhalation, certain bulk shipments of hazardous materials (e.g., shipments involving cargo tank trucks or rail tank cars having a capacity equal to or greater than 13,248 liters (3,500 gallons)), and shipments of 2170 kg (5,000 pounds) or more of a class of hazardous material for which placarding of a vehicle, rail car, or freight container is required.

However, 28 percent of all hazardous materials incidents reported to RSPA between 1986 and 1990 were attributable to package failures, and these incidents

have contributed to the workload of emergency response personnel. Thus, RSPA proposes to require the registration of all persons who are engaged in the manufacturing, fabricating, marking, retesting, or reconditioning of UN or DOT specification or DOT exemption packages, except for small business concerns, as described in 13 CFR 121.601, that manufacture, fabricate, or mark only boxes or bags, or both.

In accordance with section 105(a)(1) of the HMTA, RSPA proposes to require the registration of all the above-described entities when engaged in intrastate, interstate, or foreign commerce. Comments are requested on possible broadening of the registration program to include additional persons, possible narrowing of the program to exclude some of the above-described persons, and the criteria which should be used to define the persons who should be required to register.

B. Foreign Shippers, Carriers, and Governments

Foreign carriers and shippers are among the "persons" who may transport or cause to be transported or shipped in commerce hazardous materials because commerce means "trade, traffic, commerce, or transportation within the jurisdiction of the United States between a place in a State and any place outside of such State, or which affects trade, traffic, commerce, or transportation between a State and any place outside of such State" (see HMTA, Sec. 103, Definitions). It is important to note that the term "person" often includes a "government" (see HMTA, Sec. 103, Definitions) and that section 106(c)(15) exempts from registration only Federal, State and local governments in the United States. To the extent that such foreign persons perform one or more of the activities described under section 106(c)(1) of the HMTA in commerce in the United States, they are under a statutory obligation to file a registration statement with RSPA and to pay an annual fee. Comments are requested on the extent and manner in which foreign shippers, carriers, packaging manufacturers, and governments should be required to comply with the registration requirements of the HMTA in the most efficient and least burdensome manner possible.

RSPA is proposing to require that a person who is not a resident of the United States and who is subject to the registration requirements of the HMTA must designate an agent for service of process who is a resident of the United States. The designated U.S. agent would

then be required to file the registration statement and pay the fees for and on behalf of the non-U.S. resident.

The provisions of this proposed rule could affect access to U.S. markets by foreign carriers, shippers and other entities. It should be noted that the intention of this proposal is to require the registration and payment of appropriate fees by affected entities without regard to their location. It is anticipated that the costs to foreign entities in comparison to U.S. domestic entities would relate primarily to the designation of a resident agent and would not result in a competitive advantage for U.S. domestic entities. Comments on the possible international trade impacts of the proposed requirements are welcomed.

Although the HMTA requires registration and collection of fees from certain foreign shippers and carriers of hazardous materials, RSPA is concerned about the potential effect, or possible reciprocal treatment of U.S. businesses outside the United States. Comments are invited on how RSPA should deal with this potential problem.

C. Relationship Between "Parent Company" and "Subsidiary Companies"

Section 106(c)(8) of the HMTA states that a person who carries out more than one activity for which filing of a registration statement is required needs to file only one registration statement with respect to these activities. Because corporations are separate "persons," it is proposed that U.S. companies under the majority stock ownership of another company, or wholly owned or controlled subsidiaries of another company, would be required to file registration statements with, and to pay an annual fee to, RSPA. Thus, where there is a group of related companies all engaged in offering or transporting in commerce, or manufacturing packages for the transportation of hazardous materials, each corporation in this group would be required to register separately. Comments are requested on this approach to the treatment of subsidiary companies.

D. Fee Schedule

As previously noted, within the range of \$250 to \$5,000, section 117A(h)(2) of the HMTA gives RSPA the discretion to base the amount of the annual fee on a wide variety of factors. In developing these proposals, RSPA has considered numerous factors for assessing a fair and equitable registration fee. These factors are those enumerated in section 117A(h) of the HMTA and include, for example, such considerations as a person's annual gross revenue, or the

percentage of gross revenue derived from the transportation of hazardous materials; and annual quantity and types of the hazardous materials transported or caused to be transported; and the annual number of shipments of hazardous materials.

RSPA believes that basing the registration fee on one or more of these factors would entail an enormous recordkeeping and accounting burden both on the industry and on the Government. For example, basing the annual registration fee on a person's annual gross revenue, or on the percentage of gross revenue derived from the transportation of hazardous materials could require significant changes in the way paperwork tracking and accounting procedures are handled by a company. Further, this information would be subject to verification by Federal, State and local enforcement personnel in order to ensure that a person's annual fee was in fact appropriate and commensurate with the annual gross revenue, or with the percentage of gross revenue derived from the company's transportation of hazardous materials.

RSPA also considered basing the amount of the fee on the risk to property, persons, and the environment from an accident or incident involving the hazardous materials transported or caused to be transported. RSPA believes that this approach to the assessment of registration fees would result in an even more complicated and administratively burdensome system than one based on the annual gross revenue derived from a company's transportation of hazardous materials. This is because the risk or the threat to property, persons, and the environment from an accident or incident is in part a function of the quantity and type of hazardous materials being transported and the annual number of shipments that are made. Fairly detailed information on these matters would have to be provided to RSPA before the threat or risk from a person's activities could be determined.

The different "types of hazardous materials transported or caused to be transported"—e.g., highway route-controlled quantities of radioactive materials, hazardous materials extremely toxic by inhalation—do not in themselves provide an adequate basis on which to determine the amount of the registration fee. Additional factors would have to be introduced to more fully differentiate between the various types of activity. These additional factors might include: The risk associated with various activities or the

quantities and number of shipments involved with such activities. But, as discussed above, basing the registration fee on these additional factors would entail significant recordkeeping and accounting burdens on both industry and government.

Given the fairly narrow, permissible range of the fee schedule (i.e., a minimum fee of \$250 and a maximum fee of \$5,000 to be assessed against each person subject to the registration program), RSPA believes that the fee schedule should be as simple and as straightforward as possible. It should be easily understood by the regulated parties. It should be easily administered and enforceable. Although the registration statement and fee schedule are excepted from the Paperwork Reduction Act by 49 App. U.S.C. 1805(c)(13), that statement and schedule should minimize paperwork burdens and any unintended competitive impacts or undesirable market entry constraints on domestic and international commerce. The fee schedule also should balance equity considerations against the regulatory virtue of simplicity and the need to be as inclusive as possible. For example, imposing different fee schedules for shippers and carriers is administratively more complex and burdensome than imposing one fee schedule for both shippers and carriers. However, the advantages of a uniform fee schedule need to be balanced against the equity consideration that small or comparatively small businesses should be assessed lower fees than large hazardous materials business operations. Finally, to the maximum extent possible, the fee to be assessed should not be subject to wide fluctuations from one registration period to the next.

A principal concern in trying to strike a balance between equity and efficiency considerations, and in trying to make the registration process as clear and as administratively simple as possible, is to link the registration fee to information which is readily available to potential registrants and can be verified by inspection and enforcement personnel, and which bears some relationship to the scope and magnitude of a person's involvement in hazardous materials transportation activities.

On the basis of these considerations, RSPA is proposing two major alternative fee schedules. Alternative (1) provides for a graduated fee schedule under which all persons (except foreign entities) required to file a registration statement with RSPA would have the choice of deciding whether to file the registration statement either (Option A)

on the basis of the person's annual net income; or (Option B) on the basis of the number of activities which the person carries out and for which filing a registration statement is required. Alternative (2) provides for a flat fee schedule under which each person subject to the registration program would pay the same fee.

Alternative 1, Option A. Under Option A, the fee schedule (except for foreign shippers, carriers, and packaging manufacturers) would be based on a person's annual net income. Although the amounts could increase or decrease in a final regulation, the fee schedule (including the processing fee of \$50) would be similar to the following:

Person's annual net income	Required annual registration and processing fee
Less than \$500,000	\$300
\$500,000—\$1,000,000	550
\$1,000,001—\$2,500,000	1,050
\$2,500,001—\$5,000,000	2,550
\$5,000,001 or more	5,050

Thus, if the annual net income of a persons was \$500,000 or more, but less than \$1,000,001 and that person is subject to the registration requirement, that person would be required to pay a fee of \$500 for the registration year in question and a \$50 processing fee.

It should be noted that even if, for example, the annual net income is negative, that person would still be required to file a registration statement with RSPA. For newly-formed companies, the annual registration fee would be based on the number of activities carried out. All foreign persons who are required to be registered with RSPA would be required to pay an annual fee based on the number of activities they undertake that are subject to the registration requirement. The many problems associated with determining equivalent annual net income or even gross revenue concepts for foreign shippers, carriers, and package manufacturers subject to the registration requirement would seem to preclude assessing a registration fee based on the net income or revenue of these entities.

The major difference between this option and Option B, discussed below, is that under this option a person would have blanket authority to engage in all of the activities covered by the registration requirement. A person who registered and paid the appropriate income-based fee under this option would be authorized to transport or ship highway route-controlled quantities of radioactive materials, materials

extremely toxic by inhalation, 25 kg (55 pounds) of Class 1 (Class A or Class B explosives) materials, or other authorized activity. The need to amend the registration statement would be limited to instances where certain basic information concerning the registrant had changed during the registration year. For example, except for a change in the registrant's name or principal place of business, all amendments to the registration statement would be made annually when the registration statement would be renewed.

Demonstrative regulatory language for Option A is reflected in § 107.612(a)(1) of Alternative 1 in the proposed regulatory language.

Alternative 1, Option B. Under Option B, a person's annual registration fee would be determined by the number of hazardous materials transportation activities that the registrant intends to engage in, or actually engages in, during the registration period. As discussed in this proposal, there would be six activities which would require the filing of a registration statement with RSPA. If the number of these activities were the basis for the registration fee, a person engaging in one of the activities (e.g., transporting or causing to be transported or shipped in commerce highway-route controlled quantities of radioactive materials) could be assessed \$250—the minimum amount allowable under the HMTA. A person engaging in two activities (e.g., transporting more than 25 kg (55 pounds) of a Class 1 (Class A or Class B explosives) material and transporting a material extremely toxic by inhalation) would be assessed an additional amount, which may or may not be \$250; a person engaging in all six activities subject to the registration program would be assessed the highest fee, a fee not to exceed \$5,000 per registration year. Under this option, although the amounts could increase or decrease in the final rule, the fee schedule (which includes the processing fee of \$50) would be similar to the following.

Number of activities engaged in	Required annual registration and processing fee
One	\$300
Two	550
Three	1,050
Four	2,050
Five	4,050
Six	5,050

A Certificate of Registration issued by RSPA would authorize the registrant to engage in only those specific activities for which application for registration

was initially made. However, if at any time during the registration year a person intended to engage in one or more of the activities not covered by the initial registration statement, the person would be required to apply to RSPA to amend the initial registration statement. The additional fee associated with an amendment to an initial registration statement would be the net difference between the initial fee paid to RSPA and the fee associated with the new number of specific activities for which a person wished to be registered with RSPA, plus a registration statement processing charge.

For example, if a person who initially registered with RSPA to engage in the activity of transporting one liter (1.1 quart) packages of materials extremely toxic by inhalation wanted to register with RSPA, at some point later in the registration year, for the additional activity of transporting a bulk package (capacity of 3,500 or more gallons or more than 468 cubic feet) of hazardous materials, that person would be required to amend the original registration statement and pay a fee of \$250 (the net difference between the original registration fee of \$250 for one activity and the registration fee of \$500 for two activities), plus the cost (e.g., \$50) to RSPA of processing the amendment. It should be noted that RSPA believes that many persons subject to the registration program would be required to initially register for at least two activities. For example, persons transporting a hazardous material in a bulk package having a capacity of 3,500 or more gallons or more than 468 cubic feet will almost certainly be engaged in transporting a shipment of 5,000 pounds or more of a class of hazardous materials for which placarding of a vehicle, rail car, or freight container is required. Thus, Option B could place an economic burden on any small business which engages, even in a very limited and infrequent manner, in more than one activity subject to the registration requirement. Demonstrative regulatory language for Option B is reflected in § 107.612(a)(2) of Alternative 1 in the proposed regulatory language.

To summarize, under Alternative (1), RSPA proposes to leave to each registrant the decision whether to be registered with RSPA either under Option A or under Option B discussed above. Under this alternative, all persons (except foreign entities and newly-formed companies) required to file a registration statement with RSPA would have the choice of filing the registration statement either on the basis of the person's annual net income,

or on the basis of the number of activities which the person carries out and for which filing of a registration statement is required. If the person chose to pay the fee based on the number of activities, the Certificate of Registration issued by RSPA would specifically authorize only those activities for which a fee was paid. If the person chose to pay based on the annual net income, the Certificate would specifically authorize all activities for which registration is required.

Although this alternative is somewhat more complicated and administratively more burdensome, RSPA is proposing it in the interest of striking a balance between equity considerations and minimizing the impact on small businesses. Again, for the reasons noted above, foreign entities and newly formed companies would be required to file the registration statement and to pay an annual fee based on the number of activities engaged in. Appendix 1 to this Notice demonstrates the type of registration statement which might be used to implement Alternative 1.

Alternative 2. As its second major alternative, RSPA proposes assessing a flat fee on all persons subject to the registration program, regardless of the number of activities engaged in by the person, the number of shipments that are involved with these activities, the nature and type of hazardous materials transported or shipped, the annual net income or gross revenue derived from such activities, or the total annual net income or gross revenue.

RSPA believes that this approach would be the easiest for it to administer and the easiest for registrants to follow, since they would not need to calculate their annual fees. All registrants, regardless of size, income, or hazardous materials activities, would pay the same registration fee. That fee would be greater than \$250 but less than \$5,000—and probably, but not certainly, less than \$1,000. Comments are specifically invited on the equity considerations involved with imposing a flat fee on all registrants. Appendix 2 to this Notice demonstrates the type of registration statement which might be used to implement Alternative 2.

RSPA also welcomes comments on any other factors that might be considered as the basis for the assessment of registration fees. RSPA is proposing a limited exception for certain small businesses and is particularly interested in receiving comments addressing potential impacts of this registration program on small entities, and what percentage of a person's business income or net worth would be

affected by the proposed registration and fee assessment program.

E. Fee for Reimbursement of Processing Costs.

In addition to the registration fee, and under the authority of section 106(c)(11) of the HMTA, RSPA proposes to recover the costs to the Department of processing the registration statements by charging each registrant a flat fee of \$50. These costs include the costs attributable to reviewing a registrant's statement, maintaining the information submitted in retrievable form, issuing registration certificates, verifying the continuing validity of the information already submitted, following up on demands for payment, postage, and other processing costs. RSPA estimates that these costs will average approximately \$50 per registration statement. RSPA is proposing to require payment of this amount in the same manner as the registration fee.

Although the proposed regulatory language in § 107.612 accompanying this Notice contains a proposed \$50 processing fee, RSPA may impose a processing fee of any reasonable amount.

F. Registration Year.

RSPA proposes that the filing of a registration statement and the payment of a registration fee be an annual requirement. The registration year would begin June 1 of one year and end May 31 of the following year. RSPA proposes May 31, 1992, for the effective date for the required filing of the initial registration statement and the required payment of the associated registration fee. This means that any person who at any time from June 1, 1992, through May 31, 1993, engages in one or more of the activities subject to the registration program would be required to file a registration statement with RSPA and to pay the appropriate registration fee. RSPA has requested funding to implement this program in accordance with a timetable proposed in this rulemaking.

Persons who expect to engage in any of the activities subject to the registration requirement would be encouraged to register as soon as possible after a final regulation is published, since the time involved in obtaining a certificate validating the registration statement possibly would entail more than several days. RSPA realizes that many of the activities subject to the registration requirement may be conducted on an infrequent basis throughout the year, or involve delivery schedules that may have been

contracted for months in advance. However, under this proposed rule, persons who violate that requirement after June 30, 1992, would be subject to civil and criminal penalties, and their shipments could be frustrated or delayed—at least temporarily—by enforcement personnel. Similarly, persons who submitted incomplete or inaccurate registration statements would be subject to civil and/or criminal penalties.

As previously noted, under section 106(c)(5) of the HMTA, persons subject to the registration requirement must periodically renew their registration statement in accordance with regulations issued by RSPA, but not less frequently than every five years and no more frequently than annually. RSPA proposes that the registration statement be filed with RSPA annually.

RSPA believes that the registration statement cannot be filed or renewed less frequently than once every year without severely impairing the efficiency and effectiveness of the registration program, and the integrity of the information collected under this program. The HMTA requires that an annual registration fee be paid by all persons subject to the registration program. After a person has initially filed a registration statement with RSPA, it is altogether impractical to assume that the person can continue to be effectively registered with RSPA by simply sending in a check or a money order every year for the next two or three years—unaccompanied by some other document that identifies the person and the purpose of the check. The annual registration fee which is to be paid either by money order, check or credit card would be correlated and compared with the information contained in the registration statement in terms either of the number of activities the person is engaged in, or the person's annual net income. Farther, there is still a need for a document other than, and in addition to, a check, money order, or credit card receipt even in the case of everyone being assessed a fixed fee. The registration statement satisfies this need better than any other type of document. In addition, the registration statement provides a basis for a person to annually update the information on the States within which it is carrying out activities subject to the registration program. The time and the difficulty involved in a person's knowing the names of the States within which it carries out an activity subject to the registration program is not likely to be great.

G Collection Procedures/Method of Payment

RSPA proposes that persons subject to the registration requirement use a "lock box" system both for purposes of filing the registration statements and paying registration and processing fees. The "lock box" is a post office box which a bank uses to collect mail frequently and transmit funds expeditiously to the U.S. Treasury. The U.S. Treasury Department has established a network of seven commercial banks in nine cities to provide lockbox services to Federal agencies. Persons subject to the registration program would mail their registration statements and their payments in full to a specific post office box on or before May 31 of each year. Payment would be required in U.S. dollars and must be by certified check, cashier's check, money order, or by VISA or MasterCard credit card for the amount of the registration fee and the cost to DOT of processing the registration statement, payable to the "U.S. Department of Transportation" and identified as payment for the hazardous materials transportation registration fee. All monies received would be transmitted to a special account at a U.S. Treasury "lock box" bank. RSPA, the U.S. Treasury Department, or an agent or contractor of either or both, would review each registration statement and method and amount of payment and either notify the remitter if any irregularity is discovered, or send the potential registrant a 'Certificate of Registration' confirming that the person is properly registered with RSPA.

Payments not received by the due date may be subject to allowable interest, penalty, and administrative charges under the Federal Claims Collection Act (31 U.S.C. 3717). Follow-up demands for payment and other actions intended to assure timely collection, including referral to local collection agencies or court action, would be conducted in accordance with the Federal Claims Collection Standards (4 CFR chapter 9) and Departmental procedures.

H. Adjustments

Section 117A(h)(3)(B) of the HMTA directs RSPA to adjust the amount of fees collected to reflect any unspent balances in the account established to fund the emergency response training and grant program. However, section 117A(h)(3)(B) also provides that nothing in section 117A(h) is to be construed as requiring RSPA to refund any fees collected. In view of the fact that the

annual funding limit of the emergency response training and grant program is over \$17 million, it is possible—at least in the initial years of the program—that the grant program may be under- or over-funded. This may necessitate some future regulatory changes in the timing and amount of the fee.

RSPA does not have an accurate picture of the number of persons who would be subject to the registration program, particularly with respect to the number of persons subject to the mandatory filing of registration statements. Comments and supporting documentation on the universe of persons involved in the transportation and shipment of hazardous materials, as well as the manufacture, etc. of UN or DOT packaging, that might be subject to the registration requirement would be useful, particularly in establishing the initial amount of fee in the final regulation on registration.

I Proof of Registration and Payment of Fees. Compliance and Enforcement

Section 106(c)(4) of the HMTA states that no person subject to the registration requirement may engage in any activity for which registration is required, unless that person has on file a registration statement.

Under RSPA's proposal, proof of registration and annual payment of the appropriate registration fee would entail the following requirements.

First, in order to maintain up-to-date records of the population of registrants, persons subject to the registration program would be required to file an annual registration statement with RSPA.

Second, a copy of the registration statement filed with RSPA; a copy of the certified or cashier's check, money order, or a copy of the credit card billing statement showing payment for the person's registration and processing fee; and the 'Certificate of Registration' issued by RSPA to the registrant would be required to be maintained at the person's principal place of business for a period of three years from date of issue.

Third, a copy of the 'Certificate of Registration' issued by RSPA would be required to be maintained at all fixed sites where the person engages in one or more of the activities subject to the registration requirement.

Fourth, a copy of the 'Certificate of Registration' issued by RSPA would be required to be carried on board all vehicles, trains, vessels or aircraft used to transport the hazardous materials or shipments of hazardous materials subject to the proposed registration

program. Each carrier using such a vehicle would be required to ensure that a copy of the 'Certificate of Registration' issued by RSPA is readily available, upon request, to enforcement personnel in the event of an accident, incident, or inspection. As an option, RSPA may consider allowing registration certificates to be maintained at a centralized location for particular industries or modes where maintaining the certificates on board would prove impractical.

Fifth, all persons subject to the registration program would be required to make all records and information pertaining to the information contained in the registration statement available to enforcement personnel upon request.

RSPA is proposing to require that a person who is not a resident of the United States and who is subject to registration requirements of the HMTA must designate an agent for service of process who is a resident of the United States. The designated U.S. agent would then be required to file the registration statement and pay the fees for, and on behalf of, the non-U.S. resident. It should also be noted that importers and freight forwarders or forwarding agents may be subject to registration requirements of the HMTA because of their own activities.

J. Amendments to the Registration Statement

For each of the proposed alternatives for assessing the registration fee discussed above, a registrant whose name and principal place of business changed during the year would be required to notify RSPA of the change in writing as soon as practicable but not later than 30 days after such change, and submit an amended registration statement to RSPA. It is not expected that the processing of such amendments would be subject to a processing fee. All other changes to the information contained in the original registration statement would be made annually when the registration statement would be renewed.

However, under the proposed alternative providing the option of basing the registration fee on the number of activities which the person carries out and for which a registration statement is necessary, amendments to the registration statement would be required to be made at any time during the registration year the registrant decided to apply to RSPA to register for one or more of the activities not covered by the initial registration statement or any previous amendment.

K. Content of the Registration Statement/Information to Be Collected

For purposes of illustration, proposed registration statement forms (see appendix #1 for the option fee form and appendix #2 for the flat fee form) are found at the end of this Notice.

Comments are requested on the form and content of these illustrative registration statements, and on other information that might be required of registrants.

L. Obtaining a Copy of the Registration Form

In order to facilitate the registration process, RSPA anticipates mailing blank copies of the registration statement form to each shipper, carrier, package manufacturer, freight forwarder and other person it has on its mailing lists. RSPA also will make a reproducible copy of the registration form available to trade and industry associations and others who could provide copies to persons in the hazardous materials transportation industry. RSPA wishes to emphasize that this proposed action is for the convenience of those who may be subject to the registration requirement and in no way affects the obligation of persons subject to the registration requirement to obtain and submit the registration statement to RSPA in a timely fashion in the event that a blank form is not received from RSPA. Blank forms will be published in the Federal Register and also will be available from RSPA.

Section-By-Section Analysis

A new Subpart G, 'Registration of Hazardous Materials Shippers, Carriers, and Packaging Manufacturers' would be added to part 107.

Section 107.601 describes the scope of the proposed registration and fee collection regulations. The proposed requirements would apply to shippers and carriers whose hazardous materials transportation activities involve certain specific types of hazardous materials, and to certain packaging manufacturers who produce packaging certified for use in hazardous materials transportation. Under section 106(c)(1) of the HMTA, each person who transports or causes to be transported or shipped in commerce more than 25 kg (55 pounds) of Division 1.1, 1.2, or 1.3 (Class A or Class B explosives) materials in a motor vehicle, rail car, or transport container is required to file a registration statement. RSPA proposes to interpret "transport container" to mean "freight container". Therefore, when more than 25 kg of a Division 1.1, 1.2, or 1.3 material is transported in a

freight container in any mode, it would be subject to the registration requirements.

Section 107.604 provides a definition for "registration year", as it would apply in this proposed subpart.

Section 107.606 provides exceptions from the proposed requirements. The proposed registration and fee assessment requirements would not apply to Federal agencies, State agencies, political subdivisions of States, employees of those agencies, or hazmat employees, except for owner/operators.

Section 107.609 outlines the proposed general registration requirements. Proposed paragraph (a) prohibits a person required to file a registration statement from engaging in any hazardous materials transportation activities for which a registration statement is required unless that person has complied with all applicable registration requirements. Proposed paragraph (b) addresses submission of registration statements, and paragraph (c) requires submission of amendments if a change in the registrant's name, place of business, or activities for which registration is required occurs during the registration year. Paragraph (d) requires foreign entities subject to the registration requirements to use a designated agent.

Section 107.612. Two proposed fee schedules—an option fee schedule (Alternative 1) and a flat fee schedule (Alternative 2)—are presented separately. Under the option fee schedule, persons (except foreign persons and newly-formed companies) required to file a registration statement with RSPA would have the choice of deciding whether to file the registration statement either on the basis of the number of activities which the person carries out and for which filing of a registration statement is required, or on the basis of the person's annual net income.

Alternative 1 includes the following proposed rules. Proposed paragraph (a)(1) contains a fee schedule (including a \$50 processing fee) based on a registrant's annual net income. Proposed paragraph (a)(2) outlines requirements and contains a fee schedule (including a \$50 processing fee) based on the number of activities which a person carries out. Proposed paragraphs (b), (c), and (d) would require registration statements from persons having negative annual net incomes, foreign entities, and newly-formed companies, respectively. As provided in paragraphs (c) and (d), respectively, foreign entities and newly-formed companies would not have the

option of choosing either fee schedule, but would be required to file the registration statement based on number of activities.

Alternative 2 proposes a flat fee for each person required to register. Under the proposed flat fee schedule, any person subject to the registration requirements would be required to pay an annual fee of \$800, which includes a \$50 processing fee.

Section 107.616 proposes payment procedures and penalties. Proposed paragraphs (a) through (c) outline the procedures to be followed when submitting the initial or amended registration statement and payment.

Section 107.620 outlines proposed recordkeeping requirements. Proposed paragraph (a) would require copies of the registration statement and the Certificate of Registration to be maintained at a person's principal place of business. Proposed paragraph (b) would require a copy of the Certificate of Registration to be maintained at all fixed sites where applicable activities occur. The Certificate of Registration would be required to be carried on board all transport vehicles, trains, vessels, and aircraft, as provided in proposed paragraph (c). Proposed paragraph (d) would require registrants to provide any relevant records and information requested by DOT.

III. Regulatory Analyses

A Executive Order 12291 and DOT Regulatory Policies and Procedures

These proposed regulations have been evaluated in accordance with existing regulatory policies and are considered to be non-major under Executive Order 12291. The proposed regulations are considered to be significant under section 5(a)(2)(f) of DOT's Regulatory Policies and Procedures ("the Procedures") (44 FR 11034, February 26, 1979) because they implement a substantial regulatory program or change in policy. In accordance with section 10(e) of the Procedures, RSPA has determined that a draft Regulatory Analysis is not required because the proposed regulations do not meet any of the criteria mandating the preparation of such an analysis. As a result, in accordance with section 10(e), RSPA has prepared a draft Regulatory Evaluation which includes an analysis of the economic consequences of the proposed regulation and an analysis of its anticipated benefits and impacts. The draft Regulatory Evaluation is available for review in the Dockets Unit. Comments are requested on the estimated costs and benefits of this proposed rule.

B Regulatory Flexibility Act

RSPA certifies that this proposal will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. The proposed rule may apply to as many as 100,000 shippers, carriers, and packaging manufacturers. Under section 117A(h)(3) of the HMTA, the amount of the annual fee which may be collected from a person required to register with RSPA may not be less than \$250 and may not exceed \$5,000. Because of the required minimum fee of \$250, RSPA's ability to treat small entities differently is restricted. RSPA believes that the majority of persons required to register will qualify for a registration fee that is substantially less than \$1,000. RSPA expects that the impact of this fee on small business entities will be minimal, and without significant economic consequences. The proposal will have no direct impact on small units of government.

RSPA specifically requests comments on the impact of this rule on small business concerns. In particular, RSPA requests comments on whether the scope of the proposed exceptions for small business concerns involved in the manufacturing, fabricating or marking of UN or DOT specification packaging or DOT exemption packaging should be limited or broadened.

C Executive Order 12612

The proposed rule has been reviewed in accordance with Executive Order 12612 ("Federalism"). As noted above the States are "persons" under the HMTA, but are specifically exempted from the requirement to file a registration statement. The regulations proposed herein have no substantial effects on the states, on the current Federal-State relationship, or on the current distribution of power and responsibilities among the various levels of government. Thus, in accordance with Executive Order 12612, preparation of a Federalism Assessment is not warranted.

D. Paperwork Reduction Act

Under section 106(c)(13) of the HMTA, the information management requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) do not apply to this proposed rule.

E. Regulatory Information Number (RIN)

A regulatory information number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes

the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

F. National Environmental Policy Act

RSPA has evaluated these proposed regulations in accordance with its procedures for ensuring full consideration of the environmental impacts of RSPA actions as required by the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), other environmental statutes, executive orders, and DOT Order 5810.1c. These proposed regulations meet the criteria that establish this as a non-major action for environmental purposes.

List of Subjects

49 CFR Part 107

Administrative practice and procedure, Hazardous materials transportation, Packaging and containers, Penalties, Reporting and recordkeeping requirements

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR parts 107 and 171 would be amended as follows:

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

1. The authority citation for part 107 would continue to read as follows:

Authority: 49 App. U.S.C. 1421(c), 49 App. U.S.C. 1802, 1906, 1808-1811, 49 App. U.S.C. 1853(d), 1855, 49 CFR part 1.

2. Subpart G would be revised to read as follows:

Subpart G—Registration of Hazardous Materials Shippers, Carriers, and Packaging Manufacturers

Sec.

107.601 Scope
107.604 Definition
107.606 Exceptions.
107.608 General registration requirements

Alternative One for § 107.612

107.612 Option fee schedule.

Alternative Two for § 107.612

107.612 Flat fee schedule.

107.616 Payment procedures

107.620 Recordkeeping requirements

Subpart C—Registration of Hazardous Materials Shippers, Carriers, and Packaging Manufacturers

§ 107.601 Scope.

The registration and fee collection requirements of this subpart apply to the following persons:

(a) Any person who offers or transports in commerce:

(1) Any highway route-controlled quantity of a Class 7 (radioactive) material, as defined in 49 CFR 173.403,

(2) More than 25 kg (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material (see 49 CFR 173.50) in a motor vehicle, rail car or freight container;

(3) More than one liter (1.06 quarts) per package of a material extremely toxic by inhalation (Division 2.3, Hazard Zone A or Division 6.1, Packing Group I, Hazard Zone A) (see 49 CFR 173.115 and 173.132);

(4) A hazardous material in a bulk packaging, container, or tank having a capacity equal to or greater than 13,248 L (3,500 gallons) or more than 43.24 cubic meters (1,526 cubic feet); or

(5) A shipment of 2,170 kg (5,000 pounds) or more of a hazardous material or hazardous materials for which placarding of a vehicle, rail car, or freight container is required.

(b) Any person who manufactures, fabricates, marks, retests or reconditions a UN or DOT specification or DOT exemption packaging, except for a small business concern, as described in 13 CFR 121.601, that manufactures, fabricates, or marks only boxes or bags, or both.

(c) For purposes of this subpart, a person includes each separate corporation that engages in an activity under paragraph (a) or (b) of this section.

§ 107.604 Definition.

Registration year means June 1—May 31 of each year.

§ 107.606 Exceptions.

The following are exempted from the requirements of this subpart:

(a) Agencies of the Federal Government;

(b) Agencies of States;

(c) Agencies of political subdivisions of States;

(d) Employees of those agencies in paragraphs (a), (b), and (c) of this section with respect to their official duties; and

(e) Hazmat employees, unless the hazmat employee is the owner-operator of a motor vehicle which transports in commerce hazardous materials.

§ 107.608 General registration requirements.

(a) Each person required to file a registration statement must submit a complete and accurate DOT Form [Number to be Assigned in Final Rule] not later than May 31 of each year, or the date the person becomes subject to this subpart, whichever is later.

(b) After June 30, 1992, no person required to file a registration statement may transport or cause to be transported or shipped hazardous materials, or engage in the manufacture, fabrication, or marking of UN or DOT packaging, unless such person has on file in accordance with § 107.620 a current annual registration statement in accordance with the requirements of this subpart.

(c) A registrant whose name or principal place of business has changed during the registration year must notify RSPA of that change by submitting an amended registration statement not later than 30 days after the change. If, at any time during the registration year, a registrant intends to engage in one or more activities not covered by the initial registration statement, the registrant must submit an amendment to the registration statement to RSPA and receive an amended Certificate of Registration from RSPA prior to engaging in any activity not covered by the initial registration statement.

(d) If the registrant is not a resident of the United States, the registrant must include in the registration statement the name and address of a permanent resident of the United States designated in accordance with § 107.7 to serve as agent for service of process.

Alternative One for § 107.612

§ 107.612 Option fee schedule.

(a) Each person subject to the requirements of this subpart must pay an annual fee (including a processing fee) based on either:

(1) The annual net income as follows:

Person's annual net income	Fee ¹
Less than \$500,000	\$300
\$500,001 to \$1,000,000	550
\$1,000,001 to \$2,500,000	1,050
\$2,500,001 to \$5,000,000	2,550
\$5,000,001 or more	5,050

¹ Required annual registration and processing fee.

(2)(i) The number of activities which the person carries out and for which filing of a registration statement is required;

Number of activities engaged in	Fee ¹
One	\$300
Two	550
Three	1,050
Four	2,050
Five	4,050
Six	5,050

¹ Required annual registration and processing fee.

(ii) Each time during the registration year that a registrant wishes to amend its number of activities, it must file with RSPA an amendment to the initial registration statement. With each amendment, the registrant must pay an additional fee, which is the net difference between the initial fee paid to RSPA and the fee associated with the new number of specific activities for which an amendment is submitted, and an additional \$50 processing charge.

(b) Each person subject to the requirements of this subpart having a negative annual net income must file a registration statement and pay an annual fee (including a processing fee).

(c) Each foreign person subject to the requirements of this subpart must pay an annual fee (including a processing fee) based on the number of activities which the person carries out and for which filing of a registration statement is required.

(d) A newly-formed company subject to the requirements of this subpart must pay an annual fee (including a processing fee) based on the number of activities which the person carries out and for which filing of a registration statement is required.

Alternative Two for § 107.612

§ 107.612 Flat fee schedule.

Each person subject to the requirements of this subpart must pay an annual fee (including a processing fee) of \$800.

§ 107.616 Payment procedures.

(a) Each person subject to the requirements of this subpart must mail the registration statement and payment in full to [Name and Address of Lockbox Bank to be Added in Final Rule] on or before May 31 of each year, or the date the person becomes subject to the requirements of this subpart, whichever is later. A registrant required to file an amended registration statement must mail it and payment in full to the same address.

(b) Payment must be in U.S. dollars by certified check, cashier's check, or money order payable to the U.S. Department of Transportation and identified as payment for the "Hazmat Registration Fee" or by a VISA or

MasterCard credit card authorization completed and signed on the registration statement

(c) Payment must correspond to the applicable amount indicated in § 107.612

§ 107.620 Recordkeeping requirements

(a) Each person subject to the requirements of this subpart must maintain at its principal place of business for a period of three years from the date of issue:

(1) A copy of the registration statement filed with RSPA,

(2) A copy of the certified or cashier's check, money order, or a copy of the credit card billing statement showing payment for the person's registration and processing fee; and

(3) The Certificate of Registration issued to the registrant by RSPA.

(b) Each person who offers a hazardous material for transportation in commerce subject to the requirements of this subpart must maintain a copy of its Certificate of Registration issued by RSPA at all fixed sites where the person engages in one or more activities subject

to the requirements of this subpart. The Certificate of Registration must be made available, upon request, to enforcement personnel

(c) Each carrier subject to the requirements of this subpart must carry a copy of its Certificate of Registration issued by RSPA on board all vehicles, trains, vessels, and aircraft used to transport the hazardous materials or shipments of hazardous materials subject to the requirements of this subpart. The Certificate of Registration must be made available, upon request, to enforcement personnel

(d) Each person subject to this subpart must furnish its Certificate of Registration (or a copy thereof) and all other records and information pertaining to the information contained in the registration statement to an authorized representative or special agent of DOT upon request.

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

3. The authority citation for part 171 would continue to read as follows

Authority 49 App U.S.C. 1802, 1803, 1804, 1805, 1808, 1818, 49 CFR part 1

§ 171.2 [Amended]

4. In § 171.2, the following changes would be made.

a. In paragraph (a), after the phrase "(including §§ 171.11, 171.12, and 176.11)", the phrase "and subparts F and G of part 107 of this chapter" is added.

b. In paragraphs (b) and (d), after the phrase "in accordance with this subchapter", the phrase "and in accordance with Subparts F and G of part 107 of this chapter" is added.

Issued in Washington DC on October 8, 1991, under the authority delegated in 49 CFP part 1

Alan I. Roberts,
Associate Administrator for Hazardous Materials Safety

Note: These are appendices to the preamble of the document and will not appear in the Code of the Federal Regulations

Appendices to Preamble—Fee Schedule Forms

BILLING CODE 4910-80-M

APPENDIX 1

HAZARDOUS MATERIALS REGISTRATION FOR THE PERIOD JUNE 1, 1992, TO MAY 31, 1993

___ Initial Registration ___ Amendment to Registration

APPLICABILITY: IF BETWEEN JUNE 1, 1992, AND MAY 31, 1993, THE COMPANY FILING THIS REGISTRATION STATEMENT ENGAGES IN ANY OF THE HAZARDOUS MATERIALS ACTIVITIES LISTED IN ITEM 4B, THIS REGISTRATION STATEMENT MUST BE SUBMITTED AND THE COMBINED REGISTRATION AND PROCESSING FEE INDICATED IN ITEM 4A OR 4B MUST BE PAID

1 Company Name _____

2 Principal Place Street Address _____ City _____

of Business County _____ State _____ Zip Code _____ Country _____

3 Registrant's OMC Motor Carrier Census Number or Reporting Railroad Alphabetic Code _____

4 Annual Registration Fee. The registrant may determine its combined registration and processing fee either from the registrant's annual net income or from the number of hazardous materials transportation activities that the registrant intends to engage in during the registration period. Use EITHER the fee schedule given in Alternative A OR that given in Alternative B to determine the fee. NOTE: Foreign shippers or carriers, and registrants who were not in business during the prior calendar or fiscal year, must use Alternative B.

SELECT ALTERNATIVE A OR B:

___ **Alternative A: Annual Net Income.** The combined registration and processing fee may be determined on the basis of the registrant's annual net income during the preceding calendar or fiscal year. If this alternative is chosen, a Certificate of Registration will be issued by RSPA authorizing the registrant to engage in all the activities (a through f) listed in item 4B.

If the registrant's Annual Net Income was:

Pay this Amount:

Less than \$500,000	\$ 300.00
\$500,000 - \$1,000,000	\$ 550.00
\$1,000,001 - \$2,500,000	\$1,050.00
\$2,500,001 - \$5,000,000	\$2,550.00
More than \$5,000,000	\$5,050.00

OR

___ **Alternative B: Activities.** The combined registration and processing fee may be determined by the number of hazardous materials transportation activities that the registrant intends to engage in during the registration period. If this alternative is chosen, a Certificate of Registration will be issued by RSPA authorizing the registrant to engage in only those activities marked below. Mark all activities in which the registrant intends to engage during the registration period.

- ___ a. Offer or transport in commerce any highway route-controlled quantity of a Class 7 (radioactive) material
- ___ b. Offer or transport in commerce more than 25 kilograms (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material
- ___ c. Offer or transport in commerce more than 1 liter (1.1 quarts) per package of a hazardous material extremely toxic by inhalation (Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A)
- ___ d. Offer or transport in commerce a hazardous material in a bulk packaging, container, or tank having a capacity equal to or greater than 13,248 liters (3,500 gallons) or more than 13.24 cubic meters (468 cubic feet)
- ___ e. Offer or transport in commerce a shipment of 2,170 kilograms (5,000 pounds) or more of a hazardous material or hazardous materials for which placarding of a vehicle, rail car, or freight container is required
- ___ f. Manufacture, fabricate, or mark a UN or Department of Transportation specification or DOT exemption packaging for use in the transportation in commerce of hazardous materials

If the number of activities marked in item 4B is ONE, pay	\$ 300.00
If the number of activities marked in item 4B is TWO, pay	\$ 550.00
If the number of activities marked in item 4B is THREE, pay	\$1,050.00
If the number of activities marked in item 4B is FOUR, pay	\$2,050.00
If the number of activities marked in item 4B is FIVE, pay	\$4,050.00
If the number of activities marked in item 4B is SIX, pay	\$5,050.00

Method of Payment

Total Amount Enclosed _____

☐ Cashier's Check ☐ Certified Check ☐ Money Order☐ Credit Card ☐ VISA ☐ MasterCard Card Number _____ Expiration Date _____

Name as it appears on the card _____

Authorized Signature _____

Cardholder acknowledges ordering goods or services in the amount of the Total shown hereon and agrees to perform the obligations set forth in the Cardholder's agreement with the issuer

5 HISTORIC SURVEY INFORMATION: Hazardous Materials Activities, and States in Which Business was Transacted in 1991. Mark each hazardous material activity the registrant engaged in between January 1 and December 31, 1991. For each marked activity, also mark each capacity (shipper, carrier, importer, or freight forwarder) in which the registrant served. Also circle the 2-letter state abbreviation for every state in which the registrant engaged in any of these activities. A list of states and their abbreviations is given below.

- ☐ **A** Offered or transported in commerce any highway route-controlled quantity of a Class 7 (radioactive) material
☐ 1 Shipper ☐ 2 Carrier ☐ 3 Importer ☐ 4 Freight Forwarder

AK AL AR AS AZ CA CO CT DC DE FL GA GU HI ID IL IN IA KS KY LA MA MD ME MI MN MO MP
MS MT NC ND NE NH NJ NM NV NY OH OK OR PA PR RI SC SD TN TX UT VI VT VA WA WV WI WY

- ☐ **B** Offered or transported in commerce more than 25 kilograms (55 pounds) of a Division 1.1, 1.2 or 1.3 (explosive) material
☐ 1 Shipper ☐ 2 Carrier ☐ 3 Importer ☐ 4 Freight Forwarder

AK AL AR AS AZ CA CO CT DC DE FL GA GU HI ID IL IN IA KS KY LA MA MD ME MI MN MO MP
MS MT NC ND NE NH NJ NM NV NY OH OK OR PA PR RI SC SD TN TX UT VI VT VA WA WV WI WY

- ☐ **C** Offered or transported in commerce more than 1 liter (1.1 quarts) per package of a hazardous material extremely toxic by inhalation (Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A)
☐ 1 Shipper ☐ 2 Carrier ☐ 3 Importer ☐ 4 Freight Forwarder

AK AL AR AS AZ CA CO CT DC DE FL GA GU HI ID IL IN IA KS KY LA MA MD ME MI MN MO MP
MS MT NC ND NE NH NJ NM NV NY OH OK OR PA PR RI SC SD TN TX UT VI VT VA WA WV WI WY

- ☐ **D** Offered or transported in commerce a hazardous material in a bulk packaging, container or tank having a capacity equal to or greater than 13,248 liters (3,500 gallons) or more than 13.24 cubic meters (468 cubic feet)
☐ 1 Shipper ☐ 2 Carrier ☐ 3 Importer ☐ 4 Freight Forwarder

AK AL AR AS AZ CA CO CT DC DE FL GA GU HI ID IL IN IA KS KY LA MA MD ME MI MN MO MP
MS MT NC ND NE NH NJ NM NV NY OH OK OR PA PR RI SC SD TN TX UT VI VT VA WA WV WI WY

- ☐ **E** Offered or transported in commerce a shipment of 2,170 kilograms (5,000 pounds) or more of a hazardous material or hazardous materials for which placarding of a vehicle, rail car, or freight container is required
☐ 1 Shipper ☐ 2 Carrier ☐ 3 Importer ☐ 4 Freight Forwarder

AK AL AR AS AZ CA CO CT DC DE FL GA GU HI ID IL IN IA KS KY LA MA MD ME MI MN MO MP
MS MT NC ND NE NH NJ NM NV NY OH OK OR PA PR RI SC SD TN TX UT VI VT VA WA WV WI WY

- ☐ **F** Manufactured, fabricated, or marked a UN or Department of Transportation specification or DOT exemption packaging for use in the transportation in commerce of hazardous materials

AK AL AR AS AZ CA CO CT DC DE FL GA GU HI ID IL IN IA KS KY LA MA MD ME MI MN MO MP
MS MT NC ND NE NH NJ NM NV NY OH OK OR PA PR RI SC SD TN TX UT VI VT VA WA WV WI WY

- ☐ **G** Did not engage in any of the activities listed in A through F between January 1 and December 31, 1991

TWO-LETTER STATE ABBREVIATIONS

Alabama	AL	Georgia	GA	Maryland	MD	New York	NY	South Dakota	SD
Alaska	AK	Guam	GU	Massachusetts	MA	North Carolina	NC	Tennessee	TN
American Samoa	AS	Hawaii	HI	Michigan	MI	North Dakota	ND	Texas	TX
Arizona	AZ	Idaho	ID	Minnesota	MN	N. Mariana Is.	MP	Utah	UT
Arkansas	AR	Illinois	IL	Mississippi	MS	Ohio	OH	Vermont	VT
California	CA	Indiana	IN	Missouri	MO	Oklahoma	OK	Virgin Islands	VI
Colorado	CO	Iowa	IA	Montana	MT	Oregon	OR	Virginia	VA
Connecticut	CT	Kansas	KS	Nebraska	NE	Pennsylvania	PA	Washington	WA
Delaware	DE	Kentucky	KY	Nevada	NV	Puerto Rico	PR	West Virginia	WV
Dist. Columbia	DC	Louisiana	LA	New Hampshire	NH	Rhode Island	RI	Wisconsin	WI
Florida	FL	Maine	ME	New Jersey	NJ	South Carolina	SC	Wyoming	WY
				New Mexico	NM				

5. Certification of Information. I certify that I have personally examined and am familiar with the information submitted in this document and that the submitted information is true, accurate, and complete.

Signature

Date

Name

Phone ()

Title

FALSE STATEMENTS MAY VIOLATE 18 U.S.C. 1001.

FOR DOT USE ONLY

REFERENCE NUMBER:

Check Amount

Date of Deposit

APPENDIX 2

HAZARDOUS MATERIALS REGISTRATION FOR THE PERIOD JUNE 1, 1992, TO MAY 31, 1993

☐ Initial Registration ☐ Amendment to Registration

APPLICABILITY: IF BETWEEN JUNE 1, 1992, AND MAY 31, 1993, THE COMPANY FILING THIS REGISTRATION STATEMENT ENGAGES IN ANY OF THE FOLLOWING ACTIVITIES, THIS REGISTRATION STATEMENT MUST BE SUBMITTED AND THE COMBINED REGISTRATION AND PROCESSING FEE INDICATED IN ITEM 4 MUST BE PAID.

- A) OFFERS OR TRANSPORTS IN COMMERCE ANY HIGHWAY ROUTE-CONTROLLED QUANTITY OF A CLASS 7 (RADIOACTIVE) MATERIAL;
- B) OFFERS OR TRANSPORTS IN COMMERCE MORE THAN 25 KILOGRAMS (55 POUNDS) OF A DIVISION 1.1, 1.2, OR 1.3 (EXPLOSIVE) MATERIAL;
- C) OFFERS OR TRANSPORTS IN COMMERCE MORE THAN ONE LITER (1.1 QUARTS) PER PACKAGE OF A MATERIAL EXTREMELY TOXIC BY INHALATION (DIVISION 2.3, HAZARD ZONE A, OR DIVISION 6.1, PACKING GROUP I, HAZARD ZONE A);
- D) OFFERS OR TRANSPORTS IN COMMERCE A HAZARDOUS MATERIAL IN A BULK PACKAGING, CONTAINER, OR TANK HAVING A CAPACITY EQUAL TO OR GREATER THAN 13,248 LITERS (3,500 GALLONS) OR MORE THAN 13.24 CUBIC METERS (468 CUBIC FEET);
- E) OFFERS OR TRANSPORTS IN COMMERCE A SHIPMENT OF 2,170 KILOGRAMS (5,000 POUNDS) OR MORE OF A HAZARDOUS MATERIAL OR HAZARDOUS MATERIALS FOR WHICH PLACARDING OF A VEHICLE, RAIL CAR, OR FREIGHT CONTAINER IS REQUIRED;
- F) MANUFACTURES, FABRICATES, OR MARKS A UN OR DEPARTMENT OF TRANSPORTATION SPECIFICATION OR DOT EXEMPTION PACKAGING FOR USE IN THE TRANSPORTATION IN COMMERCE OF HAZARDOUS MATERIALS

1 Company Name _____

2 Principal Place Street Address _____ City _____

of Business County _____ State _____ Zip Code _____ Country _____

3 Registrant's OMC Motor Carrier Census Number or Reporting Railroad Alphabetic Code (if applicable) _____

4 Annual Registration Fee. The combined registration and processing fee is \$1,000

Method of Payment

Total Amount Enclosed _____

☐ Cashier's Check ☐ Certified Check ☐ Money Order☐ Credit Card ☐ VISA ☐ MasterCard Card Number _____ Expiration Date _____

Name as it appears on the card _____

Authorized Signature _____

Cardholder acknowledges ordering goods or services in the amount of the
Total shown hereon and agrees to perform the obligations set forth in the
Cardholder's agreement with the issuer

5 HISTORIC SURVEY INFORMATION: Hazardous Materials Activities, and States in Which Business was Transacted in 1991. Mark each hazardous material activity the registrant engaged in between January 1 and December 31, 1991. For each marked activity, also mark each capacity (shipper, carrier, importer, or freight forwarder) in which the registrant served. Also circle the 2-letter state abbreviation for every state in which the registrant engaged in any of these activities. A list of states and their abbreviations is given at the end of this section.

- ☐ A. Offered or transported in commerce any highway route-controlled quantity of a Class 7 (radioactive) material
☐ 1 Shipper ☐ 2 Carrier ☐ 3 Importer ☐ 4 Freight Forwarder

AK AL AR AS AZ CA CO CT DC DE FL GA GU HI ID IL IN IA KS
KY LA MA MD ME MI MN MO MP MS MT NC ND NE NH NJ NM NV NY
OH OK OR PA PR RI SC SD TN TX UT VI VT VA WA WV WI WY

- B** Offered or transported in commerce more than 25 kilograms (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material.
 1 Shipper 2 Carrier 3 Importer 4 Freight Forwarder
 AK AL AR AS AZ CA CO CT DC DE FL GA GU HI ID IL IN IA KS
 KY LA MA MD ME MI MN MO MP MS MT NC ND NE NH NJ NM NV NY
 OH OK OR PA PR RI SC SD TN TX UT VI VT VA WA WV WI WY
- C** Offered or transported in commerce more than 1 liter (1.1 quart) per package of a hazardous material extremely toxic by inhalation (Division 2.3, Hazard Zone A, or Division 6.1, Packing Group 1, Hazard Zone A).
 1 Shipper 2 Carrier 3 Importer 4 Freight Forwarder
 AK AL AR AS AZ CA CO CT DC DE FL GA GU HI ID IL IN IA KS
 KY LA MA MD ME MI MN MO MP MS MT NC ND NE NH NJ NM NV NY
 OH OK OR PA PR RI SC SD TN TX UT VI VT VA WA WV WI WY
- D** Offered or transported in commerce a hazardous material in a bulk packaging, container, or tank having a capacity equal to or greater than 13248 liters (3,500 gallons) or more than 13.24 cubic meters (468 cubic feet).
 1 Shipper 2 Carrier 3 Importer 4 Freight Forwarder
 AK AL AR AS AZ CA CO CT DC DE FL GA GU HI ID IL IN IA KS
 KY LA MA MD ME MI MN MO MP MS MT NC ND NE NH NJ NM NV NY
 OH OK OR PA PR RI SC SD TN TX UT VI VT VA WA WV WI WY
- E** Offered or transported in commerce a shipment of 2,170 kilograms (5,000 pounds) or more of a hazardous material or hazardous materials for which placarding of a vehicle, rail car, or freight container is required.
 1 Shipper 2 Carrier 3 Importer 4 Freight Forwarder
 AK AL AR AS AZ CA CO CT DC DE FL GA GU HI ID IL IN IA KS
 KY LA MA MD ME MI MN MO MP MS MT NC ND NE NH NJ NM NV NY
 OH OK OR PA PR RI SC SD TN TX UT VI VT VA WA WV WI WY
- F** Manufactured, fabricated, or marked a UN or Department of Transportation specification or DOT exemption packaging for use in the transportation in commerce of hazardous materials.
 AK AL AR AS AZ CA CO CT DC DE FL GA GU HI ID IL IN IA KS
 KY LA MA MD ME MI MN MO MP MS MT NC ND NE NH NJ NM NV NY
 OH OK OR PA PR RI SC SD TN TX UT VI VT VA WA WV WI WY
- G** Did not engage in any of the activities listed in A through F between January 1 and December 31, 1991.

TWO-LETTER STATE ABBREVIATIONS

Alabama	AL	Georgia	GA	Maryland	MD	New York	NY	South Dakota	SD
Alaska	AK	Guam	GU	Massachusetts	MA	North Carolina	NC	Tennessee	TN
American Samoa	AS	Hawaii	HI	Michigan	MI	North Dakota	ND	Texas	TX
Arizona	AZ	Idaho	ID	Minnesota	MN	Puerto Rico	PR	Utah	UT
Arkansas	AR	Illinois	IL	Mississippi	MS	Ohio	OH	Vermont	VT
California	CA	Indiana	IN	Missouri	MO	Oklahoma	OK	Virgin Islands	VI
Colorado	CO	Iowa	IA	Montana	MT	Oregon	OR	Virginia	VA
Connecticut	CT	Kansas	KS	Nebraska	NE	Pennsylvania	PA	Washington	WA
Delaware	DE	Kentucky	KY	Nevada	NV	Rhode Island	RI	West Virginia	WV
Dist. Columbia	DC	Louisiana	LA	New Hampshire	NH	South Carolina	SC	Wisconsin	WI
Florida	FL	Maine	ME	New Jersey	NJ			Wyoming	WY
				New Mexico	NM				

6 **Certification of Information** I certify that I have personally examined and am familiar with the information submitted in this document and that the submitted information is true, accurate, and complete

Signature _____ Date _____

Name _____ Phone (____) _____

Title _____

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